

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2892: Drug courts; provide assessments on offenses to provide funding.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

11 **SECTION 1.** There is created in the State Treasury a special
12 interest-bearing fund to be known as the Drug Court Fund. The
13 purpose of the fund shall be to provide supplemental funding to
14 all drug courts in the state. Monies from the funds derived from
15 assessments under Section 99-19-73 shall be distributed by the
16 State Treasurer upon warrants issued by the Administrative Office
17 of Courts, pursuant to procedures set by the State Drug Courts
18 Advisory Committee to assist both juvenile drug courts and adult
19 drug courts, to the drug courts where the respective violations
20 occur in the state. Funds from other sources shall be distributed
21 to the drug courts in the state based on a formula set by the
22 State Drug Courts Advisory Committee. The fund shall be a
23 continuing fund, not subject to fiscal-year limitations, and shall
24 consist of: (a) monies appropriated by the Legislature for the
25 purposes of funding drug courts; (b) the interest accruing to the
26 fund; (c) monies received under the provisions of Section
27 99-19-73; (d) monies received from the federal government; and (e)
28 monies received from such other sources as may be provided by law.

29 **SECTION 2.** There is created in the State Treasury a special
30 interest-bearing fund to be known as the Crisis Intervention
31 Mental Health Fund. The purpose of the fund shall be to provide

32 funding for the seven (7) mental health crisis centers in the
33 state and the Special Treatment Facility located in Harrison
34 County. Monies from the fund derived from assessments under
35 Section 99-19-73 shall be administered and distributed by the
36 State Treasurer upon warrants issued by the Department of Mental
37 Health. The fund shall be a continuing fund, not subject to
38 fiscal-year limitations, and shall consist of: (a) monies
39 appropriated by the Legislature for the purposes of funding mental
40 health crisis centers and the Special Treatment Facility; (b) the
41 interest accruing to the fund; (c) monies received under the
42 provisions of Section 99-19-73; (d) monies received from the
43 federal government; and (e) monies received from such other
44 sources as may be provided by law.

45 **SECTION 3.** There is created in the State Treasury a special
46 interest-bearing fund to be known as the Judicial Performance
47 Fund. The purpose of the fund shall be to provide supplemental
48 funding to the Commission on Judicial Performance. Monies from
49 the funds derived from assessments under Section 99-19-73 shall be
50 distributed by the State Treasurer upon warrants issued by the
51 Commission on Judicial Performance. The fund shall be a
52 continuing fund, not subject to fiscal-year limitations, and shall
53 consist of: (a) monies appropriated by the Legislature for the
54 purpose of funding the Commission on Judicial Performance; (b) the
55 interest accruing to the fund; (c) monies received under the
56 provisions of Section 99-19-73; (d) monies received from the
57 federal government; and (e) monies received from such other
58 sources as may be provided by law.

59 **SECTION 4.** Section 99-19-73, Mississippi Code of 1972, is
60 amended as follows:

61 99-19-73. (1) **Traffic Violations.** In addition to any
62 monetary penalties and any other penalties imposed by law, there
63 shall be imposed and collected the following state assessment from

64 each person upon whom a court imposes a fine or other penalty for
 65 any violation in Title 63, Mississippi Code of 1972, except
 66 offenses relating to the Mississippi Implied Consent Law (Section
 67 63-11-1 et seq.) and offenses relating to vehicular parking or
 68 registration:

69 FUND	AMOUNT
70 State Court Education Fund	\$ 1.50
71 State Prosecutor Education Fund.....	1.00
72 Driver Training Penalty Assessment Fund.....	7.00
73 Law Enforcement Officers Training Fund.....	5.00
74 Spinal Cord and Head Injury Trust Fund	
75 (for all moving violations).....	4.00
76 Emergency Medical Services Operating Fund.....	10.00
77 Mississippi Leadership Council on Aging Fund.....	1.00
78 Law Enforcement Officers and Fire Fighters Death	
79 Benefits Trust Fund50
80 State Prosecutor Compensation Fund for the purpose	
81 of providing additional compensation for legal	
82 assistants to district attorneys	1.00
83 <u>Crisis Intervention Mental Health Fund</u>	<u>10.00</u>
84 <u>Drug Court Fund</u>	<u>10.00</u>
85 TOTAL STATE ASSESSMENT	\$ <u>51.00</u>

86 (2) **Implied Consent Law Violations.** In addition to any
 87 monetary penalties and any other penalties imposed by law, there
 88 shall be imposed and collected the following state assessment from
 89 each person upon whom a court imposes a fine or any other penalty
 90 for any violation of the Mississippi Implied Consent Law (Section
 91 63-11-1 et seq.):

92 FUND	AMOUNT
93 Crime Victims' Compensation Fund.....	\$ 10.00
94 State Court Education Fund	1.50
95 State Prosecutor Education Fund.....	1.00

96	Driver Training Penalty Assessment Fund.....	22.00
97	Law Enforcement Officers Training Fund.....	11.00
98	Emergency Medical Services Operating Fund.....	10.00
99	Mississippi Alcohol Safety Education Program Fund	5.00
100	Federal-State Alcohol Program Fund.....	10.00
101	Mississippi Crime Laboratory	
102	Implied Consent Law Fund.....	25.00
103	Spinal Cord and Head Injury Trust Fund.....	25.00
104	Capital Defense Counsel Special Fund.....	1.00
105	State General Fund	35.00
106	Law Enforcement Officers and Fire Fighters Death	
107	Benefits Trust Fund50
108	State Prosecutor Compensation Fund for the purpose	
109	of providing additional compensation for legal	
110	assistants to district attorneys	1.00
111	<u>Crisis Intervention Mental Health Fund.....</u>	<u>10.00</u>
112	<u>Drug Court Fund</u>	<u>10.00</u>
113	TOTAL STATE ASSESSMENT	<u>\$178.00</u>

114 (3) **Game and Fish Law Violations.** In addition to any
115 monetary penalties and any other penalties imposed by law, there
116 shall be imposed and collected the following state assessment from
117 each person upon whom a court imposes a fine or other penalty for
118 any violation of the game and fish statutes or regulations of this
119 state:

120	FUND	AMOUNT
121	State Court Education Fund	\$ 1.50
122	State Prosecutor Education Fund.....	1.00
123	Law Enforcement Officers Training Fund.....	5.00
124	Hunter Education and Training Program Fund	5.00
125	State General Fund	30.00
126	Law Enforcement Officers and Fire Fighters Death	
127	Benefits Trust Fund50

128	State Prosecutor Compensation Fund for the purpose	
129	of providing additional compensation for legal	
130	assistants to district attorneys	1.00
131	<u>Crisis Intervention Mental Health Fund</u>	<u>10.00</u>
132	<u>Drug Court Fund</u>	<u>10.00</u>
133	TOTAL STATE ASSESSMENT	\$ <u>64.00</u>

134 (4) **Litter Law Violations.** In addition to any monetary
135 penalties and any other penalties imposed by law, there shall be
136 imposed and collected the following state assessment from each
137 person upon whom a court imposes a fine or other penalty for any
138 violation of Section 97-15-29 or 97-15-30:

139	FUND	AMOUNT
140	Statewide Litter Prevention Fund	\$ 25.00
141	State Prosecutor Compensation Fund for the purpose	
142	of providing additional compensation for legal	
143	assistants to district attorneys	1.00
144	<u>Crisis Intervention Mental Health Fund</u>	<u>10.00</u>
145	<u>Drug Court Fund</u>	<u>10.00</u>
146	TOTAL STATE ASSESSMENT	\$ <u>46.00</u>

147 (5) **Other Misdemeanors.** In addition to any monetary
148 penalties and any other penalties imposed by law, there shall be
149 imposed and collected the following state assessment from each
150 person upon whom a court imposes a fine or other penalty for any
151 misdemeanor violation not specified in subsection (1), (2) or (3)
152 of this section, except offenses relating to vehicular parking or
153 registration:

154	FUND	AMOUNT
155	Crime Victims' Compensation Fund	\$ 10.00
156	State Court Education Fund	1.50
157	State Prosecutor Education Fund	1.00
158	Law Enforcement Officers Training Fund	5.00
159	Capital Defense Counsel Special Fund	1.00

160	State General Fund	30.00
161	State Crime Stoppers Fund	1.50
162	Law Enforcement Officers and Fire Fighters Death	
163	Benefits Trust Fund50
164	State Prosecutor Compensation Fund for the purpose	
165	of providing additional compensation for legal	
166	assistants to district attorneys	1.00
167	<u>Crisis Intervention Mental Health Fund</u>	<u>10.00</u>
168	<u>Drug Court Fund</u>	<u>8.00</u>
169	<u>Judicial Performance Fund</u>	<u>2.00</u>
170	TOTAL STATE ASSESSMENT	\$ <u>71.50</u>

171 * * *

172 (6) * * * **Other Felonies.** In addition to any monetary
173 penalties and any other penalties imposed by law, there shall be
174 imposed and collected the following state assessment from each
175 person upon whom a court imposes a fine or other penalty for any
176 felony violation not specified in subsection (1), (2) or (3) of
177 this section:

178	FUND	AMOUNT
179	Crime Victims' Compensation Fund	\$ 10.00
180	State Court Education Fund	1.50
181	State Prosecutor Education Fund	1.00
182	Law Enforcement Officers Training Fund	5.00
183	Capital Defense Counsel Special Fund	1.00
184	State General Fund	60.00
185	Criminal Justice Fund	50.00
186	Law Enforcement Officers and Fire Fighters Death	
187	Benefits Trust Fund50
188	State Prosecutor Compensation Fund for the purpose	
189	of providing additional compensation for legal	
190	assistants to district attorneys	1.00
191	<u>Crisis Intervention Mental Health Fund</u>	<u>10.00</u>

192 Drug Court Fund 10.00
193 TOTAL STATE ASSESSMENT \$150.00

194 * * *

195 (7) If a fine or other penalty imposed is suspended, in
196 whole or in part, such suspension shall not affect the state
197 assessment under this section. No state assessment imposed under
198 the provisions of this section may be suspended or reduced by the
199 court.

200 (8) After a determination by the court of the amount due, it
201 shall be the duty of the clerk of the court to promptly collect
202 all state assessments imposed under the provisions of this
203 section. The state assessments imposed under the provisions of
204 this section may not be paid by personal check. It shall be the
205 duty of the chancery clerk of each county to deposit all such
206 state assessments collected in the circuit, county and justice
207 courts in such county on a monthly basis with the State Treasurer
208 pursuant to appropriate procedures established by the State
209 Auditor. The chancery clerk shall make a monthly lump-sum deposit
210 of the total state assessments collected in the circuit, county
211 and justice courts in such county under this section, and shall
212 report to the Department of Finance and Administration the total
213 number of violations under each subsection for which state
214 assessments were collected in the circuit, county and justice
215 courts in such county during such month. It shall be the duty of
216 the municipal clerk of each municipality to deposit all such state
217 assessments collected in the municipal court in such municipality
218 on a monthly basis with the State Treasurer pursuant to
219 appropriate procedures established by the State Auditor. The
220 municipal clerk shall make a monthly lump-sum deposit of the total
221 state assessments collected in the municipal court in such
222 municipality under this section, and shall report to the
223 Department of Finance and Administration the total number of

224 violations under each subsection for which state assessments were
225 collected in the municipal court in such municipality during such
226 month.

227 (9) It shall be the duty of the Department of Finance and
228 Administration to deposit on a monthly basis all such state
229 assessments into the proper special fund in the State Treasury.
230 The monthly deposit shall be based upon the number of violations
231 reported under each subsection and the pro rata amount of such
232 assessment due to the appropriate special fund. The Department of
233 Finance and Administration shall issue regulations providing for
234 the proper allocation of these special funds.

235 (10) The State Auditor shall establish by regulation
236 procedures for refunds of state assessments, including refunds
237 associated with assessments imposed before July 1, 1990, and
238 refunds after appeals in which the defendant's conviction is
239 reversed. The Auditor shall provide in such regulations for
240 certification of eligibility for refunds and may require the
241 defendant seeking a refund to submit a verified copy of a court
242 order or abstract by which such defendant is entitled to a refund.
243 All refunds of state assessments shall be made in accordance with
244 the procedures established by the Auditor.

245 * * *

246 **SECTION 5.** This act shall take effect and be in force from
247 and after July 1, 2004.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO CREATE THE DRUG COURT FUND FOR THE PURPOSE OF
2 SUPPLEMENTAL FUND FOR DRUG COURTS; TO CREATE CRISIS INTERVENTION
3 MENTAL HEALTH FUND TO PROVIDE FUNDING FOR SEVEN MENTAL HEALTH
4 CRISIS CENTERS IN THE STATE AND THE SPECIAL TREATMENT FACILITY; TO
5 CREATE THE JUDICIAL PERFORMANCE COMMISSION FUND; TO AMEND SECTION
6 99-19-73, MISSISSIPPI CODE OF 1972, TO PROVIDE ASSESSMENTS ON

7 CERTAIN CRIMINAL OFFENSES TO BE DEPOSITED INTO THE FUNDS CREATED
8 IN THIS ACT, AND TO ELIMINATE THE AUTOMATIC REPEALER IN THIS
9 SECTION; AND FOR RELATED PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)
Gray Tollison

X (SIGNED)
Robert P. Chamberlin

X (SIGNED)
Sidney Albritton

CONFEREES FOR THE HOUSE

X (SIGNED)
Edward Blackmon, Jr.

X (SIGNED)
Linda Coleman

X (SIGNED)
Joseph L. Warren